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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,060	08/30/2006	Ryusuke Fujiyoshi	DK-US040214	6483
22919 7590 05/07/2009 GLOBAL IP COUNSELORS, LLP 1233 20TH STREET, NW, SUITE 700 WASHINGTON, DC 20036-2680			EXAMINER ROGERS, LAKIYA G	
			ART UNIT 3744	PAPER NUMBER
			MAIL DATE 05/07/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/591,060	<b>Applicant(s)</b> FUJIYOSHI ET AL.	
	<b>Examiner</b> LAKIYA ROGERS	<b>Art Unit</b> 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-38 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

- **Group I, claim(s) 1-2, 4-31** drawn to an air conditioner with a plurality of first utilization side refrigerant circuits each having an absorbent heat exchanger and a plurality of second side refrigeration circuits each having an air heat exchanger.
- **Group II, claim(s) 3, 32-38** drawn to drawn to an air conditioner with a first utilization side refrigerant circuit having an absorbent heat exchanger, a plurality of second side refrigeration circuits each having an air heat exchanger, and a heat source side refrigerant circuit including a compression mechanism and a heat sources side heat exchanger.

2. The inventions listed as **Groups I and II** do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: there is a posteriori lack of unity of invention because the common technical feature in both groups is the first utilization side refrigeration circuit with an absorbent heat exchanger and a second side refrigeration circuit with an air heat exchanger. These elements can not be a special technical feature under PCT Rule 13.1 because the element is shown in the prior art. Japanese publication JP 08-189667 teaches an air conditioner with a first side utilization refrigerant circuit having an absorbent heat exchanger and a second side refrigerant circuit with an air heat exchanger. The existence of an anticipatory reference demonstrating that one or more generic claims lack novelty establishes

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that the groups do not relate to a single inventive concept. As set forth in MPEP 1850; The expression “special technical feature” is defined in PCT Rule 13.2 as meaning those technical features that define a contribution which each of the inventions, considered as a whole, makes over the prior art...Whether or not any particular technical feature makes a "contribution" over the prior art, and therefore constitutes a "special technical feature", should be considered with respect to novelty and inventive step. For example, a document discovered in the international search shows that there is a presumption of lack of novelty or inventive step in a main claim, so that there may be no technical relationship left over the prior art among the claimed inventions involving one or more of the same corresponding special technical features, leaving two or more dependent claims without a single general inventive concept.

3. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

- **Species A: Fig. 1**
- **Species B: Figs. 2-3**
- **Species C: Fig. 4**
- **Species D: Fig. 5**
- **Species E: Figs. 6-7**
- **Species F: Figs. 8-9**
- **Species G: Figs. 10-11**
- **Species H: Figs. 12-13**

- **Species I: Figs. 14-15**
- **Species J: Figs. 16-17**
- **Species K: Figs. 18-19**
- **Species L: Figs. 20-21**
- **Species M: Figs. 22-23**
- **Species N: Figs. 24-25**
- **Species O: Figs. 26-27**
- **Species P: Figs. 28-29**
- **Species Q: Fig. 30**
- **Species R: Fig. 31**
- **Species S: Fig. 32**
- **Species T: Fig. 33**
- **Species U: Fig. 34**
- **Species V: Fig. 35**
- **Species W: Fig. 36**
- **Species X: Figs. 37- 38**
- **Species Y: Figs. 39-40**
- **Species Z: Figs. 41-43**
- **Species AA : Fig. 44**
- **Species BB: Fig. 45**
- **Species CC: Fig. 46**
- **Species DD: Fig. 47**

- **Species EE: Fig. 48**
- **Species FF: Figs. 49-51**
- **Species GG: Figs. 52-53**
- **Species HH: Fig. 54**

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

4. The claims are deemed to correspond to the species listed above in the following manner:

- **Claim 1:** Species A, R, S, T, U, V, Z and DD
- **Claim 2:** Species DD and EE
- **Claim 3:** Species FF
- **Claim 4:** Species FF
- **Claim 5:** Species U
- **Claim 6:** Species GG
- **Claim 7:** Species GG
- **Claim 8:** Species
- **Claim 9:** Species M
- **Claim 10:** Species Y
- **Claim 11:** Species Y
- **Claim 12:** Species D
- **Claim 13:** Species P

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- **Claim 14:** Species P
- **Claim 15:** Species D
- **Claim 16:** Species P
- **Claim 17:** Species P
- **Claim 18:** Species CC
- **Claim 19:** Species W
- **Claim 20:** Species Z
- **Claim 21:** Species W
- **Claim 22:** Species FF
- **Claim 23:** Species FF
- **Claim 24:** Species CC
- **Claim 25:** Species D
- **Claim 26:** Species AA and BB
- **Claim 27:** Species Z
- **Claim 28:** Species Z
- **Claim 29:** Species AA
- **Claim 30:** Species BB
- **Claim 31:** Species BB
- **Claim 32:** Species FF
- **Claim 33:** Species U
- **Claim 34:** Species M
- **Claim 35:** Species P
- **Claim 36:** Species P
- **Claim 37:** Species W
- **Claim 38:** Species D

The following claim(s) are generic: claim 1.

5. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: the common technical feature is the invention because the common technical feature in both groups is the first utilization side refrigeration circuit with an absorbent heat exchanger and a second side refrigeration circuit with an air heat exchanger. These elements can not be a special technical feature under PCT Rule 13.1 because the element is shown in the prior art. Japanese publication JP 08-189667 teaches an air conditioner with a first side utilization refrigerant circuit having an absorbent heat exchanger and

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a second side refrigerant circuit with an air heat exchanger. The existence of an anticipatory reference demonstrating that one or more generic claims lack novelty establishes that the groups do not relate to a single inventive concept. As set forth in MPEP 1850; The expression "special technical feature" is defined in PCT Rule 13.2 as meaning those technical features that define a contribution which each of the inventions, considered as a whole, makes over the prior art...Whether or not any particular technical feature makes a "contribution" over the prior art, and therefore constitutes a "special technical feature", should be considered with respect to novelty and inventive step. For example, a document discovered in the international search shows that there is a presumption of lack of novelty or inventive step in a main claim, so that there may be no technical relationship left over the prior art among the claimed inventions involving one or more of the same corresponding special technical features, leaving two or more dependent claims without a single general inventive concept.

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAKIYA ROGERS whose telephone number is (571)270-7145. The examiner can normally be reached on M-F: 8am to 4:30pm.



If attempts to reach the examiner by telephone are unsuccessful, please contact the examiner's supervisor, Cheryl Tyler (571) 272-4834 or Frantz Jules (571)272-6681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LAKIYA ROGERS/  
Examiner, Art Unit 3744

/Cheryl J. Tyler/  
Supervisory Patent Examiner, Art Unit  
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